



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2200399
Applicant Name: Michael Whalen, for First United Methodist Church and The Rainier Club
Address of Proposal: 811 Fifth Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for a 33-story office tower (totaling 590,000 square feet of office space, and a small amount of retail at the street level) with 7 levels of below grade parking for approximately 538 vehicles. The proposed office tower will also house, at the lower levels, certain church office and human service uses accessory to a proposed new church sanctuary for the First United Methodist Church to be located, adjoined and interconnected due south of the tower. The combined church and human service uses would total about 42,000 square feet. The proposal also includes a 7,500 square foot addition to the existing Rainier Club for a fitness center and expansion of other club uses. The addition to the Rainier Club includes a new elevator, stairs, and outdoor, roofed terrace. The Rainier Club would acquire some loading dock capacity and have parking for approximately 75 vehicles within the base of the new office tower.

The development site is comprised of the entire block bounded by Fifth Avenue on the east, by Columbia Street on the south, by Fourth Avenue on the west and Marion Street on the north.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading,
 or demolition, or another agency with jurisdiction.

A Draft Environmental Impact Statement for the 811 Fifth Avenue Project, Volumes I and II, prepared for the City of Seattle Department of Planning and Development, in compliance with The State Environmental Policy Act. RCW 43.21C, WAC Chapter 197-11-620, was issued on January 5, 2004,

and a *Final Environmental Impact Statement for the 811 Fifth Avenue Project* was issued on April 22, 2004.

BACKGROUND DATA

Site and Vicinity Description

The site is an entire city block, bounded on the north by Marion Street and on the south by Columbia Street, on the east by Fifth Avenue and on the west by Fourth Avenue. The subject site is located in a Downtown Office Core 1 zone with a height designation of 450 feet (DOC1-450). The zoning designation mirrors the actual contemporary development of the vicinity which is largely characterized by financial and governmental buildings. Directly to the south, across Columbia Street, is the Columbia (or Bank of America) Tower, at 76 stories Seattle's tallest building. Across Fifth Avenue to the east is the Bank of America 5th Avenue Plaza office tower. Across Marion Street due north of the site is the Bank of California building. Diagonally across Fifth and Columbia is the Seattle Municipal Tower, one block to the south the Seattle City Hall and Justice Center buildings, which create a kind of municipal campus. Continuing down Fifth Avenue another block south are the King County Administration building and jail. To the north, along Fifth Avenue is a mix of mid- to high-rise structures of mixed vintage and uses. These include the 1937 Federal Courthouse, the newly completed downtown branch of the Seattle Public Library, the Olympic Four Seasons and Vintage Park hotels.

The block on which development is proposed is of a different time and of a scale far different from that which marks much of the vicinity's development of the last quarter century. The western half-block of the proposal site is currently occupied by the two-to-five story Rainier Club (constructed in 1904, with a substantial expansion completed in 1929) and a small surface parking lot servicing that facility. The northeast quarter of the block is occupied by an approximately 3-story tan brick and terra cotta church/sanctuary building, the First United Methodist Church (FUMC), constructed between 1908 and 1910. To the south of the sanctuary building and physically connected to it is the two-to-four story, L-shaped, brick-clad "Education Wing" of the church, constructed in 1950.

The Rainier Club is listed on the State and National Registers of Historic Places and is a designated Landmark in the City of Seattle. It is the subject of a proposed 7,500 square foot addition which must undergo separate review and receive a "Certificate of Approval" from the Seattle Landmarks Preservation Board. The First United Methodist Church is not listed on the State or National Registers of Historic Places. It was nominated to become a City of Seattle Landmark in February 1985, but the nomination was never approved, as the nomination was appealed by the Church and the potential designation challenged in court. The Washington State Supreme Court issued a ruling on May 9, 1996 (*First United Methodist Church v. Hearing Examiner*, 129 Wn.2d238 (1995)) and held that in imposing Landmark status on the Church building the Landmarks Board imposed an unconstitutional burden on the Church's right to free exercise of religion. The FUMC sanctuary and its accessory Education Wing are proposed to be demolished under this proposal.

The project site slopes steeply downward from east to west, from Fifth Avenue to Fourth Avenue. A block to the east of the proposal site 6th Avenue abuts Interstate 5. The freeway effectively defines the

eastern edge of the Downtown neighborhood and separates it from the First Hill neighborhood beyond the freeway and uphill to the east.

Proposal Description

The proposal is to construct a 33-story tower (totaling 590,000 square feet of office space, and a small amount of retail at the street level) with 7 levels of below grade parking for approximately 538 vehicles. The total area associated with parking would be approximately 185,000 sq. ft. The proposed office tower will also house, at the lower levels, certain church office and human service uses accessory to a proposed new church sanctuary to be located, adjoined and interconnected due south of the tower. The combined church and human service uses would total about 42,000 square feet. The proposal also includes a 7,500 square foot addition to the existing Rainier Club for a fitness center and expansion of other club uses. The addition to the Rainier Club includes a new elevator, stairs, and outdoor roofed terrace. The Rainier Club would share some loading dock capacity and have parking for approximately 75 vehicles within the base of the new office tower.

As noted, the Rainier Club would be augmented by a 7,500 square foot addition. The FUMC sanctuary and its accessory Education Wing would be demolished under this proposal to make room for the new office tower and a new sanctuary to be integrally constructed with the tower and located toward the southeast corner of the site.

The project includes public benefit features to increase the allowable floor area ratio (FAR) at the site as well as the utilization of some of the FAR attributable to the Rainier Club portion of the site which is substantially underdeveloped in relationship to development potential. The site could be developed up to a FAR of 6 with a maximum of 14 available when providing public benefit features.

Primary pedestrian access to the office portion of the building is proposed along the northern portion of the 5th Avenue frontage. Pedestrian access to the church sanctuary is proposed along the southern northern portion of the 5th Avenue frontage. Other pedestrian access for the human service functions are proposed along Columbia Street and Marion Street. Vehicular access is proposed mid-block along Columbia and Marion Streets similar to an alley configuration. The transecting north-south alley was vacated by the City through Vacation Ordinance #656, signed by the Mayor of Seattle on May 15, 1885. Existing vehicular access provided for the Rainier Club along Columbia Street would remain, but additional access would be provided through this portion of the site to the subterranean parking provided below the structures on the eastern half block.

Public Comments

Public comment was invited at an initial EIS scoping meeting held on January 7, 2003, during the Draft Environmental Impact Statement (DEIS) comment period which ran from January 5, 2004 until February 4, 2004 (extended to February 19, 2004), at a public forum conducted on January 28, 2004, and at four design review public meetings. Governmental Agency comments were solicited at the time of the publication of the DEIS, January 5, 2004, and are presented within the FEIS which was issued on April 2, 2004, as are the other comments received. Comments from the four Design Review meetings are noted within the Design Review process summaries which follow. Written and oral comments were

many and were generally focused on one major issue, the proposed demolition of the existing First United Methodist Church building.

ANALYSIS - DESIGN REVIEW

The Downtown Design Review Board held a first Early Design Guidance public meeting on this proposal on July 9, 2002, and a follow-up Early Design Guidance public meeting on August 13, 2002. An interim Recommendation meeting was held on July 8, 2003, and a final Recommendation meeting was held on February 24, 2004.

In the summary below, *the italicized text represents guidance and new information provided at the August 13, 2002 meeting.*

Architect's Presentations:

The architect presented analytical and conceptual drawings and a model which showed: a proposed office tower which incorporated church and human service spaces within the base, along with a small amount of retail space. The office tower was proposed for the eastern half block. The underground parking for the entire development was relegated to the eastern half block as well.

At the August meeting, the Architect presented four different massing studies;

- ***Quarter-block option***- a quarter block development consisting of a slender tower and retention of the historic portion of the church. This option consisted of 36 floors with 15,744 square feet per floor and an estimated floor area ratio (FAR) of 9.5
- ***Option A***- a north-south oriented base tower that matches the width of the Rainier Club, a higher tower on the northeast quarter block, and a distinct sanctuary mass on the southeast corner. This option consisted of 35 floors with 18,100 square feet (for 29 floors) and 10,000 square feet (for 6 floors) per floor and an estimated FAR of 10.
- ***Option B***- an east-west oriented tower and a distinct sanctuary mass on the southeast corner. This option included horizontal slabs and vertical tiers resembling art deco style. This option consisted of 36 floors with variable floor plates from 11,220 to 18,160 square feet per floor and an estimated FAR of 10.1.
- ***Option C***- a north-south oriented tower more centered in the site and a distinct sanctuary mass on the southeast corner. This option consisted of 36 floors with variable floor plates from 10,400 to 17,750 square feet per floor and an estimated FAR of 9.9.

Priorities

After visiting the site, considering the analysis of the site and context provided by the applicants and hearing public comment, the Design Review Board members provided the siting and design guidance at two separate Design Review Early Design Guidance meetings. The first was held on July 9, 2002 and the second on August 13, 2002. At each meeting the Board members referenced the Design Guidelines

of highest priority for the project as contained and described in the City of Seattle's **Design Review Guidelines for Downtown Development**, April, 1999. The design review priorities identified by the Board as being of greatest importance and their specific comments are as follows.

Site Planning & Massing

Responding to the Larger Context

- A-1 Respond to the physical environment.
Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.
- A-2 Enhance the skyline.
Design the upper portion of the building to promote visual interest and variety in the downtown skyline.

The Board pointed out that the subject site was surrounded by some of the tallest structures in the city and that the neighboring building -- Bank of America/Columbia Tower, Bank of America Plaza and Seattle Municipal Tower -- were each chamfered or setback in some manner. The Board agreed that this is pattern needed to be acknowledged either by complementing the setback patterns with a setback or contrasting by pushing towards the street to hold corner.

Architectural Expression

Relating to the Neighborhood Context

- B-1 Respond to the neighborhood context.
Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.

The Board indicated, under this guideline, that they would like to see the verticality of the proposed structure expressed in order to lessen the perception that it was shorter than the surrounding structures.

- B-2 Create a transition in bulk & scale
Compose the massing of the building to create a transition to the height, bulk, and scale of development in neighboring or nearby less intensive zones.
- B-3 Reinforce the positive urban form & architectural attributes of the immediate area.
Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.
- B-4 Design a well proportioned & unified building
Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole

The Board indicated that the design of the office tower should pay attention to the Rainier Club and acknowledge in some sense it's massing, architecture and historic value. The Board suggested that the

base might have a different expression than the shaft in order to acknowledge the scale of the Rainier Club structure.

The Streetscape:

Creating the Pedestrian Environment

C-3 Provide active - not blank – façades.

Buildings should not have large blank walls facing the street, especially near sidewalks.

The sloping east- west streets, Columbia and Marion, have pedestrian traffic and the Board expressed concern that there needed to be some interest for the pedestrian at sidewalk level. The Board acknowledged that this would not have to be storefront retail, but that the design should provide some street-level interest with minimal blank façade.

C-2 Design façades of many scales

Design architectural features, fenestration patterns, and materials composition that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation.

C-5 Encourage overhead weather protection.

Encourage project applicants to provide continuous, well-lit, overhead weather protection to improve pedestrian comfort and safety along major pedestrian routes.

The Board encouraged overhead weather protection wherever possible. *The Board indicated they would like to see an expanded sidewalk on 5th Avenue with continuous overhead weather protection.*

Public Amenities

Enhancing the Streetscape & Open Space

D-2 Enhance the building with landscaping.

Enhance the building and site with substantial landscaping-which includes special pavements, trellises, screen walls, planters and site furniture, as well as living plant material.

D-3 Provide elements that define the place.

Provide special elements on the façade, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable “sense of place” associated with the building.

The Board discussed how the design could incorporate a commemoration of the past history and church at the site. Suggestions included commemorative drawings, including remnants of the historic church into the design of the new, inclusion of a plaque, or the like.

Vehicular Access & Parking

Minimizing the Adverse Impacts

E-2 Integrate parking facilities.

Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments of suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). At the second Early Design Guidance meeting, the applicant indicated a departure from SCM 23.49.058, Upper Level Coverage Limits, would be requested of the Board for this project. The Board indicated it was inclined to entertain such a departure insofar as sufficient light and air would be provided at the sidewalk level and the shaft could be made to appear more distinctive. The Board indicated it would continue to entertain the granting of this departure and its willingness to entertain the granting of other departures still to be identified, provided the final design would successfully incorporate the design guidelines enumerated above.

In general, the Design Review Board felt the guidelines of highest priority had been clearly articulated and the concept design was headed in the right direction. At a Downtown Design Review Board Recommendation meeting held on July 8, 2003, the applicant restated for the Board key elements in the history of the project and his clients' development goals: that existing facilities no longer met the church's ministerial needs and the existing layout was not convenient for the current congregation size nor to the liturgical flow of services as enacted within the sanctuary—this in addition to severe earthquake damage that prevented use of the balcony space; on-site parking was need for the congregation; the new development would enhance the church's mission of providing a variety of social services to the downtown homeless population.

In addition, the architect reiterated the church's desire to create an expression that fit into the urban, downtown setting, reinforcing the street wall, for instance. He suggested that the open space requirement could be located on the roof of the sanctuary.

The architect presented plans and drawings and a new model and gave primary emphasis early in his oral presentation to responses to the Board's Early Design Guidance guidelines from the meetings of July 9 and August 13, 2002.

Deliberation and Recommendation:

Within a general discussion of elements of the project as presented the five members of the Board present focused their comments and concerns on the following issues and agreed upon the need to improve the design of these areas:

- The top of the office tower
- The base of the structure

Improvement in design should focus on:

- Architecturally grounding the tower within the composition of the four story commercial base of the structure
- The integration of the base with the tower

In addition, the Board called for more details of materials, shadow-lines, color of glass. They requested a set of vignettes for the next presentation which would provide a better read on the various

architectural elements and convey a greater sense of integration of the various parts of the proposed structure.

The Board agreed that it was still conceptually in accord with the proposed departure(s) from development standards, given the continued development according to the articulated design guidelines and the Board's continued design guidance.

DESIGN REVIEW RECOMMENDATIONS:

At a February 24, 2004 meeting of the Downtown Design Review Board held in the Boards and Commissions Room, at Seattle City Hall and attended by four members of the Board, the architect reviewed the project and highlighted responses within the design to the earlier Design Guidance the Board had given at the July 8, 2003 Recommendation meeting.

As a courtesy to the Design Review Board, architects for the proposed church sanctuary and the addition to the Rainier Club described those elements of the overall project, which were beyond the purview of the Design Review Board.

The architect of the office tower then proceeded with an analysis of how developments within the design of the church sanctuary portion of the development had precipitated changes and refinements in the overall design of the office tower portion of the project. The mass of the office tower was shown to move to the corner of Marion Street and Fifth Avenue with visually lighter glass curtain walls cantilevered off the south and west facades. The bottom of the cantilevered curtain walls were shown as held three stories above the chapel level at the roof of the proposed new church building.

The applicant explained that by relocating the chapel to the third floor roof area of the sanctuary, the top of the office tower no longer was envisioned as a grand space at the top of the building in need of special architectural expression. The design of the base of the office tower had been revised in an attempt to ground the tower more effectively.

Deliberation and Recommendation:

The four members of the Board present expressed their agreement that the design had clearly and positively responded to each of the concerns they had expressed at the earlier, July meeting:

- The design of the top of the office tower
- The design of the base of the structure
- Architecturally grounding the tower within the composition of the four story commercial base of the structure
- The integration of these architectural elements

The Board agreed with the choice to move the mass of the tower to the northeast corner of the site and expressed agreement that the move created a desirable complimentary interaction between the structural elements on site: the new office tower, the new sanctuary, the existing Rainier Club.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012). The Architect indicated that the project would need the following design development departures:

1. Upper Level Coverage Limits (SMC 23.49.058A) imposes structure coverage limits above 125 ft. The code allows 20 % of the coverage limit area to be covered. At earlier meetings of the Board the applicant had indicated that, with only a small portion of the site is available for the tower, it was difficult to meet this code provision. With the shift of more mass of the building to the northeast corner of the site, the upper level coverage limit had been increased somewhat. The calculation of the actual percentage within the coverage limit area for the site, pertinent floor by pertinent floor, is contained in the revised floor plans. The actual request varies between 24% coverage for floors 9-17 and 27% coverage for floors 18-25.
2. Increase the maximum allowed façade length along 5th Avenue from 120 feet to 157 feet (SMC 23.490.058B).
3. Increase maximum façade length from 90 feet to 94 feet along Marion Street (SMC 23.49.058B).

Design Review Board Deliberations

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, reviewing the plans and renderings, hearing the presentation of the applicant, asking clarifying questions of him, and after due deliberation, the four members of the Downtown Design Review Board, those in attendance and constituting a quorum, unanimously **recommended approval** of the design of the proposed project as presented to the Board at the meeting.

The Board members noted that their recommendations summarized above were based on the plans presented at the February 24, 2004 meeting and that design, siting, façade materials and architectural details not specifically identified or altered in these recommendations are expected to remain substantially similar to those presented in that meeting. In recommending approval of the project and of the requested departures, the Board indicated that it was their understanding that the exterior colors and materials for the built project would be within the range of materials and colors presented to the Board at the meeting. It was also understood that any substantial revision in siting, in height, bulk or scale, in façade appearances or materials, in architectural details or in landscaping concept, scope, or materials would have to be returned to the Board for their subsequent approval. Conformance of the final design shall be certified by the Land Use Planner assigned to the project without returning it to the Board for further approval. If, in the opinion of the Department of Planning and Development plans related to the project show significant deviation from what was shown the Board and recommended by them for approval, the project will be returned to the Board for their subsequent review and recommendation of approval of both design and any departures premised upon the earlier design recommended for approval.

Design Review Conditions:

In recommending approval of the design as presented and in recommending approval of the design departures enumerated above, the Board members also recommended that conditions be imposed on the project. Any plans submitted for construction permits must essentially conform in design, siting, façade materials and architectural details to the plans as shown to the Board at the meeting of February 24, 2004. If, in the opinion of DPD there are substantial alterations or deviations from the elements contained in the presentation to the Downtown Design Review Board on February 24, 2004, regarding, but not limited to: siting, massing, composition, landscaping, or building materials, in plans submitted for construction permits, the project shall be returned to the Design Review Board for their subsequent deliberation and recommendation.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the four Design Review Board members present at the Downtown Design Review Board meeting held on February 24, 2004, and finds that they are consistent with the City of Seattle *Design Review Guidelines for Downtown Development* and that the development standard departures present an improved design solution, which better meets the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code.

Therefore, the proposed design is **approved** as presented at the February 24, 2004 Downtown Design Review Board meeting with the recommended **development standard departures** described above also **approved, subject to the conditions**, enumerated below.

ANALYSIS - SEPA

This analysis relies on the *Draft Environmental Impact Statement, Volumes I and II*, issued on January 5, 2004, and on the *Final EIS for the 811 Fifth Avenue Project* issued on April 22, 2004, by the lead agency, the City of Seattle Department of Planning and Development. These environmental documents put forward the probable and significant adverse impacts likely to be created by the proposal. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

No Action Alternative

The No Action Alternative in the EIS generally establishes baseline conditions against which impacts of the development alternatives can be evaluated. Under the No Action Alternative the full-block site would retain existing structures and uses. There would be no changes in existing access, landscaping, utilities, streetscape, or pedestrian amenities. The Rainier Club and the surface parking accessory to this use at the south end of the building would presumably continue on the western half of the site. The First United Methodist Church and Education Wing would remain, presumably with current uses, on the eastern half block

Proposal

As stated earlier, the First United Methodist Church (FUMC) and The Rainier Club propose to construct a 33 story office, church and human services high-rise building. A new 3 to 4-story church sanctuary is proposed to be constructed at the base of the office tower and interconnected to its south side. Access to seven levels of below-grade parking this parking would be located at mid block along both Marion and Columbia Streets. As a part of the proposal the Rainier Club would be expanded to include an expanded fitness center and other club uses, and a new club service core, including elevator and stairs. The existing service driveway from Columbia Street would be closed, to be replaced by the health club addition. Truck loading for the Rainier Club would be accomplished through a new loading dock within the base of the new office tower, and parking accessory to the Club, for approximately 75 vehicles, would be provided in the subterranean parking of the new tower as well and accessed through the existing parking plaza off Columbia Street.

This project is expected to have both short and long term impacts and a more detailed discussion of some of the impacts is appropriate.

Short-term (Construction-Related) Impacts

Traffic and Parking

Excavation of the proposed underground parking garage would extend approximately 65 feet below existing grade on the east half of the block. Little excavation is anticipated on the west half of the block. Overall, it is anticipated that the proposal would require excavation of approximately 85,000 cubic yards of expanded material, none of which is to be stockpiled on site. The 85,000 cubic yards of expanded material would be exported to an as yet undetermined site. It is estimated that an average of about 1,500 cubic yards of material would be excavated from the site each day. Removal of the soil would generate approximately 100 truckloads per day and take over two months to complete.

Arrival of workers is expected to occur in early a.m. hours, prior to peak traffic periods on surrounding streets. Likewise, their departure is expected to occur during afternoon hours, prior to p.m. peak traffic periods. During project construction, the labor workforce is estimated to peak at 300 workers per day. This would occur when the building shell is complete and numerous building trades are on the site simultaneously. There are many public parking lots and facilities within the general vicinity and within a short walking distance across Interstate 5 to the east. Once the building skin is attached and fire protection systems activated, the contractor shall be required to pursue limited occupancy of the on-site parking garage to accommodate construction parking. The management of construction workers' parking shall be incorporated into a required Construction Impact Management Plan. Truck trips related to excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips are not expected to have a negative affect upon transportation levels of service on the surrounding street and highway system. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. Existing regulatory authority in place with Seattle Department of Transportation (SDOT) allows for adequate control through permitting review of use of surrounding streets to mitigate these potential impacts without any exercise of SEPA authority.

Public sidewalks are found on four abutting rights-of-way. Marion Street, Fifth Avenue, and Columbia Street will be particularly affected by the proposed construction on site. Since the safe, convenient and comfortable movement of pedestrians is an essential and indispensable function of the public right-of-way, especially in this downtown location, SEPA policy authority will be employed to require the sidewalks along the project site be kept open and safely passable throughout the construction period. A determination by SDOT that temporary closure of a sidewalk for structural modification or other purposes shall over rule this condition.

Excavation

Excavation to provide 7 levels of underground parking will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work. Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts. Therefore, no mitigation of earth-related impacts pursuant to SEPA authority is warranted.

Noise-Related Impacts

Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. However, it is also recognized that some construction-related activities (e.g., surveying and layout, stocking the building, testing and tensioning of post-tension cables, etc.) will generate little or no noise, and could substantially shorten the construction schedule. In addition, therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 9:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions either with regard to time limits or noise intensity levels. Such work must be approved by the Department on a case-by-case basis.

The Department also recognizes that in some cases work after normal hours could lessen traffic impacts or could substantially shorten the total construction time frame, and hence the duration of some impacts. Excavation below grade, below grade cement-pouring foundation work, and other construction activities with proper impact reducing technologies and management practices in place may be candidates for after-hours work and may be allowed if set forth in the approved Construction Impact Management Plan.

Air Quality Impacts

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide

and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Long-Term Impacts - Use-Related Impacts

Land Use

The proposed project, with its office, retail, private club, and religious facility uses, is consistent with the City of Seattle Comprehensive Plan (1994) and existing land use policies regarding downtown development.

Transportation

The elements of the Transportation Analysis prepared by Heffron Transportation, Inc. for the proposal were determined by DPD to establish the study area, and the key traffic issues. The Heffron report, published in October 2003, evaluates the net additional impacts of the proposed project.

Traffic

Over the long-term, vehicular and pedestrian traffic will increase as a result of this proposal. Demand upon general area transportation systems, including transit, will also increase. A Transportation Impact Study prepared by Heffron Transportation, and dated October 16, 2003, is included as Appendix 4 of the ***Draft Environmental Impact Statement for the 811 Fifth Avenue Project*** (see ***Volume II, Appendices***). Nine intersections were studied. In project year 2006, inclusion of project related traffic adds an estimated 1,980 daily vehicle trips to surrounding streets, with 303 in the AM peak hour and 295 in the PM peak hour. In the AM peak hour the project would add traffic to one intersection which the baseline level of service for 2006 foresees as performing at Level of Service ("LOS") F, namely 5th Avenue at Columbia Street. Project traffic destined to the project's entrance driveway would degrade operations of this intersection from LOS D to LOS F. During the PM peak hour the project would add traffic to two intersections which the baseline level of service for 2006 foresees as performing at LOS E, namely 5th Avenue and James Street and 6th Avenue and James Street. Given the high volume of commute traffic and their proximity to the I-5 ramps, it is not unusual that these signalized intersections would experience high vehicle delay and volume-to-capacity (v/c) ratios. But the project traffic would increase these v/c ratios only incrementally at any one of the three locations and would be proportional to the project's share of total entering traffic at these locations. Project impacts would not be substantial in comparison to the baseline condition without-project traffic.

Several of the study intersections are expected to continue to operate at the same Level of Service (LOS) without and with the proposed project. Assuming no changes to intersection geometry or signal timings, the proposed project would, as noted, degrade operations at one intersection: the 5th Avenue/Columbia Street intersection at AM peak hour, which is expected to degrade from a LOS D to LOS F with the proposed project. The drop in level of service is the result of the additional traffic on various movements and the constraints of the fixed-time signal system. The Heffron Transportation

Analysis suggests that the periodic update by the City of the signal timing of all signals in the downtown grid should reduce the delay at this intersection. Three intersections would operate at LOS E: the 7th Avenue and Madison intersection during the AM peak hour, the 6th Avenue/ Spring Street intersection during the PM peak hour, and the 6th Avenue/James Street intersection during the PM peak hour. The project is not expected to change the level of service of any of these intersections and mitigation is not recommended for them.

A Traffic Management Program (“TMP”) is a proven and effective means to reduce the project’s trip generation and thus minimize potential traffic and parking-related impacts. In order to mitigate both traffic and parking impacts a Transportation Management Program as discussed in the Heffron Transportation, Inc Traffic Analysis (pp.38-39) shall be required pursuant to SEPA policy authority. The TMP shall have the goal of reducing the number of office workers coming to the office building by single occupancy vehicles to no more than 33%. The Program shall comply with Director’s Rule 14-2002, or whatever Director’s Rule is in effect at the time a building permit is applied for. The TMP shall be submitted for review to DPD and SDOT prior to issuance of any construction period related to the project. This measure, combined with the intersection-specific measure would collectively reduce the degree of project impacts.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD’s Director’s Rule 4-99 and the City’s Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available “concurrent” with proposed development projects. There are four screenlines included in the Heffron Transportation, Inc. Transportation Analysis. Based on their analysis, the small number of trips that the proposed project would add to each screenline would not cause the LOS standard to be exceeded. No further mitigation would be required.

Parking

Parking would be provided on-site within a new underground garage providing 538 stalls. Approximately 75 of these spaces would be allocated to the Rainier Club for use during the day. For nighttime and weekend Church or Club events adequate parking should be available.

A parking demand analysis was included within the Heffron Transportation, Inc. Transportation Analysis (October 16, 2003) to determine the peak demand expected to be generated by the proposed office and retail uses on site and to determine how closely the proposed number of parking spaces would match the anticipated parking demand. Information in the Institute of Transportation Engineers (ITE) *Parking Generation* tables and distributed throughout the day using distribution patterns from the Urban Land Institute to estimate a total peak parking demand of 538 spaces. Subtracting the 75 spaces allocated to the Rainier Club for daytime use, the parking supply available for office, church and retail uses on weekdays would be 463 spaces, or exactly 75 spaces short of peak demand. The study suggests that because peak parking periods are different, it might be possible for the office and Rainier Club to share parking spaces. This could be accomplished by assigning a certain number of spaces for

short-term visitor parking and reserving them between 11:00 a.m. and 1:00 p.m. for Rainier Club Members. If parking could be shared, the total on-site parking deficit would be reduced to 26 vehicles.

Currently the Rainier Club provides valet parking through utilization of off-site parking garages. With completion of the construction of this proposal the Rainier Club would no longer need use of the off-site parking spaces. Any overflow associated with the office and retail uses would be offset by elimination of overflow parking of the existing Rainier Club. During weekday evenings and on weekends, project parking demand would be accommodated by the parking garage supply. A Transportation Management Program (TMP) could also contribute to reduce single-occupant commute trips, which would reduce peak parking demand. Since a shared parking agreement between the office tower and the Rainier Club would address most directly and immediately the impact of parking demand in the area, SEPA policy authority will be used to condition the proposal for the parties to enter into a shared parking agreement which will reduce parking shortage impacts by utilizing the Rainier Club spaces to their fullest capacity.

Historic Buildings

The First United Methodist Church is not listed on the State or National Registers of Historic Places. It was nominated to become a City of Seattle Landmark in February, 1985, but the nomination was never approved, as the nomination was appealed by the Church and the potential designation challenged in court. The Washington State Supreme Court issued a ruling on May 9, 1996, *First United Methodist Church v. Hearing Examiner*, 129 Wn.2d238 (1995), and held that in imposing Landmark status on the Church building the City of Seattle Landmarks Board imposed an unconstitutional burden on the Church's right to free exercise of religion.

The Rainier Club, on the other hand, is a designated City of Seattle Landmark. As a part of the City of Seattle's adopted SEPA legislation, the City requires that the impact of a project adjacent to, across the street from, or abutting a City landmark be evaluated (SMC Chapter 25.05.675). In accord with this provision, DPD referred plans for the development on the Rainier Club/ FUMC site to the City's Historic Preservation Officer for adjacency review.

The Rainier Club is a designated Landmark in the City of Seattle. As such, the proposed additions to the Rainier Club will require a *Certificate of Approval* from the Seattle Landmarks Preservation Board. Alterations to the Rainier Club are further guided by the Club's agreement with the City on "Controls and Incentives." The Rainier Club is also listed on the National Register of Historic Places and Washington Heritage Register. Alterations to the structure, therefore, must meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The Seattle Landmarks Preservation Board, as decision-makers within a Certified Local Government, will make recommendations of the appropriateness of any planned alterations to listed structures on behalf of the Washington State Office of Archaeology & Historic Preservation. No further mitigation under SEPA authority is appropriate or required except to condition the proposal, as is routinely done, so that a Certificate of Approval for the Rainier Club addition, which is a substantive part of this proposal, shall be obtained from the Landmarks Preservation Board prior to issuance of the Master Use Permit.

DECISION – SEPA

This decision was made after review of the *Draft* and *Final EIS for the 811 Fifth Avenue Project* as well as other information on file with the Department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to State and Local environmental regulations, alternatives to the proposed action meeting the applicants' objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

DPD finds that proposed development including mitigation measures proposed by the applicant or imposed as conditions of the Master Use Permit would be reasonably compatible with existing land uses and the City's land use and environmental policies, and should be conditionally approved.

CONDITIONS - DESIGN REVIEW

Non-Appealable Conditions-Design Review

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Michael Dorcy, 615-1393). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Michael Dorcy, 615-1393), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

CONDITIONS - SEPA

Prior to Issuance of a Master Use Permit

1. Obtain a Certificate of Approval from the Landmarks Preservation Board for additions to, and alterations of, the Rainier Club.

Prior to Issuance of any Demolition/Construction Permit

2. Submit a copy of the Puget Sound Clean Air Agency notice of construction.

3. Submit to DPD Land Use Services for approval a Construction Impact Management Plan.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. Since more than one street abuts the site, conditions shall be posted on Fifth Avenue and on Marion and Columbia Street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. The applicant is required to limit periods of all construction to between the hours of 7:00 a.m. and 9:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 9:00 p.m. on non-holiday Saturdays. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction. Excavation below grade, below grade cement-pouring foundation work and other construction activities employing proper noise and vibration impact reducing technologies and management practices in place may be allowed at other times if set forth in the approved Construction Impact Management Plan.
5. The sidewalks along the project site shall be kept open and safely passable throughout the construction period. A determination by SDOT that temporary closure of this sidewalk, for structural modification or other purposes, shall over rule this condition.

Prior to Issuance of a Certificate of Occupancy for the Office Component.

6. The applicant shall develop a Transportation Management Program (TMP) with the goal of reducing the number of office workers coming to the building by single occupancy vehicles to no more than 33%. The Program shall utilize Director's Rule 14-2002 and be submitted for review to DPD and SDOT.

Signature: (signature on file) Date: July 12, 2004
Michael Dorcy, Land Use Planner
Department of Planning and Development
Land Use Services